



Official Minutes of the City of Cottonwood
Planning & Zoning Commission Meeting
Held, April 20, 2009 at 6:00 PM at the Council Chambers
826 N. Main Street - Cottonwood, Arizona

Call to Order

Chairperson Kiyler called the meeting to order at 6:00 PM.

Roll Call

Chairperson Kiyler	Present	Member Gonzales	Present
Vice Chair Lovett	Present	Member Kevin	Present
Member Cox	Present	Member Smith	Present
Member Dixon	Present		

Staff Present:

George Gehlert, Community Development Director
Carol Hulse, Planning Technician

Public Present:

Tom Hurkett	Bob Oliphant	Randy Victory
Jim Ledbetter	Dr. Bob Richards	Jean Ellen Wilder
Rita Ledbetter	Michael Vick	

CALL TO THE PUBLIC

There was no response.

APPROVAL OF MINUTES OF

Motion: ***To accept the minutes of March 16, 2009 as written.***

Moved by: ***Kevin***

Second: ***Smith***

Vote: ***Unanimous approval.***

UNFINISHED BUSINESS

1. Proposed City Bicycle Plan

Director Gehlert gave a summary update of the bicycle plan. He provided a brief history and noted that the Parks and Recreation Commission and Planning and Zoning Commission received copies of the draft plan. The plan was on the City website and was in the 60-day public review process. The proposal was totally an “on-street” program.

However, suggestions were made regarding connectivity and future opportunities. The plan included recommendations for the following.

- Route Classification System
- Bicycle Routes / System Map
- Minimal Capital Improvements
- Design Standards for Streets / Facilities
- Code Revisions
- Education and Enforcement Training
- Publicity
- Safety Training.

Diane Lovett questioned if motorist training would be part of the education and training. Gehlert said there would be training but the program was not yet designed.

Darold Smith asked when the Police Department would become more involved with the education and enforcement. Gehlert said he believed that would come following adoption of the plan. Chair Kiyler noted that the rules of the road were the same for bicyclists as for motorists.

Randy Victory showed the striped and unstriped bike lane areas on a projected map. He noted that striping should be dashed from about 150 feet before an intersection to the intersection to alert cyclists wanting to turn left to move into the center of the roadway and to alert them to the possibility of motorists making right hand turn movements in front of them.

Victory emphasized the need for a minimum of two hours of Police Officer education per year by qualified bicycle trainers and indicated resistance to that by some officers and the City Manager. He said the education needed to be on all fronts – cyclists, motorists, and the police. Victory said he did not expect tickets to be written. He expected “education before citation.” He also noted that kids on bikes today are driving cars tomorrow. Chair Kiyler suggested that Victory contact the Tempe Police Department who had a strict enforcement policy. Victory suggested that Flagstaff had a good set of parking guidelines and noted that Safeway did not install bike racks with their major remodel some time back.

When no one from the public came forward to speak, Chair Kiyler closed the floor to the public.

Darold Smith asked Director Gehlert if staff needed to do more work on the plan and continue the public review. Gehlert said the public review would be ongoing for another five or six weeks.

This was a discussion item only. No action was taken

2. Design Review Process

Director Gehlert told the Commission that working on the design review process had been ongoing for several months. He provided some history of the Design Review Board and the City Council's reassignment of the design review process to the Planning and Zoning Commission. Gehlert noted that no design code to address architectural scale and style, local context, building materials, colors, landscaping, lighting, and signs existed.

He said the City Council directed staff to begin the development of more formal design policies to address those issues. Staff was also reviewing associated revisions to the landscape code and the possible design of a more elaborate slopes/hillside preservation ordinance.

Director Gehlert called attention to the "checklist" attached to the commissioners' packets. He explained that staff used that kind of list to review applications and report to the Commission. He suggested the Commission might want to refer to the list when reviewing design matters.

Director Gehlert noted an item further down the agenda that concerned review of a proposed sign, which was a design review matter rather than a land use issue.

He said he wanted to continue discussion of design review related matters from agenda to agenda to give the Commission an opportunity to talk about some of the issues and ask questions. Gehlert proposed setting up a couple of board training sessions on design items with facilitators from Phoenix.

Discussion item only. No action was taken.

NEW BUSINESS

1. CONSENT AGENDA

RCU 2001-017 Review a Conditional Use Permit for an apartment in a C-1 (Light Commercial) zone located at 1124 N. Main Street in Old Town Cottonwood. APN: 406-22-210. Owner: John T. Livingston. **Status: The use is in compliance with all prior stipulations. Recommendation: Renewal and review in three (3) years.**

RCU 2001-026 Review a Conditional Use Permit to allow a recreational vehicle to be used as a caretaker quarters in an I-2 (Heavy Industrial) zone at 1502 W. Mingus Ave. APN: 406-08-001D. Applicant: Verde Valley Humane Society. **Status: The use is in compliance with all prior stipulations. Recommendation: Renewal and review in three (3) years.**

RCU 2001-036 Review a Conditional Use Permit to allow manufacturing and wholesaling of craft items in a C-1 (Light Commercial) zone. Location: 712-720 North Balboa Street. APN: 406-32-050C. Owner: Barbara J. Trombley. **Status: The use is**

in compliance with all prior stipulations. Recommendation: Renewal and review in three (3) years.

Chairperson Kiyler read the Consent Agenda.

Director Gehlert reported a correction to RCU 2001-026. He received information that the caretaker's residence at the Verde Valley Humane Shelter was no longer active and recommended voiding the use permit.

Commissioner Smith noted that recommendations refer to prior stipulations and said he would like to know what those stipulations were. Director Gehlert said staff could attach those in the future. Following brief discussion, Chairperson Kiyler said that the Commission would rely on staff to determine if stipulations were met and that providing that background on each consent agenda item was not necessary. However, if a commissioner had questions on a particular item they could request copies of the prior stipulations on a case-by-case basis.

Bob Oliphant referenced PCU 2001-026 and the discussion approximately three months ago about RV parking in the Wal-Mart parking lot. He said one of the questions at that time concerned an RV parked just inside the gate of the industrial airpark mini-storage area and if that was permitted. He said it looked like the same thing. Gehlert said a permit was required and they had a permit that went back about four years.

Chair Kiyler asked for a motion.

Motion: To accept the consent agenda as presented except RCU 2001-026 shall be void as the use was no longer active.

Made by: Smith

Second: Lovett

Vote: Unanimous approval.

2. **RCU 08-002** Review of a Conditional Use Permit for a materials processing facility to be located on 12.25 acres zoned CF (Community Facility) north of Hwy. 89A between 6th and 12th Streets. Owner: Verde Valley Fair Assoc. Agent: Tom Hurkett/Minerals Research & Recovery.

Director Gehlert provided background of the Conditional Use Permit, property ownership, surrounding zoning and properties. He noted that the CF (Community Facility) zoning had no zoning standards associated with it. He said some of the public issues were visibility of the structure, night lighting, and the truck route (which was subsequently changed).

Gehlert said the applicant submitted an update regarding the proposal, citing delays due to financing problems. They worked with the fire department on emergency access/training issues; continue to move forward with the project engineering and acquisition of ADEQ permits; and were currently negotiating a remediation fund agreement with the City Council. They plan to submit building permits soon and anticipate construction

through the end of 2010. A Phase II Environmental (soil sample) test would be performed.

Tom Hurkett, applicant, said they had not yet surveyed the property. He explained the existing easement, the building constructed over the easement, and that the property owner agreed to move the easement to the center of the property to allow the new truck route to Sixth Street. He said they would proceed with the survey and the easement after that day.

Mr. Hurkett said the conveyor was removed from the plans and replaced with an elevator. That reduced the profile significantly and eliminated much of the exterior lighting. The noise level might be reduced somewhat but there would be no significant change because both were quiet.

There was miscellaneous discussion about the access routes. Mr. Hurkett said they plan to leave the Aspen Street route in place for emergency purposes only but hope to use the Sixth Street route for daily operations.

Other discussion points were as follows.

- A bulldozer with a ripper on the back would break up the slag and then it would go through the crushing process.
- They would excavate into the pile and put the processing equipment inside to shield the surrounding areas.
- The building footprint is a similar size to the VFW building (not large) but about ten feet taller.
- Hurkett explained the proposed buffering and screening to the new Commission members.

Motion: *To approve renewal of PCU 08-002 with the following three (3) stipulations:*

- 1) Compliance with the original stipulations from March 17, 2008 (as modified by the Commission on October 20, 2008);*
- 2) Compliance with the Design Review Board action on 9-28-08;*
- 3) Review in one (1) year.*

Made By: *Gonzales*

Second: *Smith*

Vote: *Unanimous approval.*

- 3. DR 09-011** Design Review for proposed renovation of the historic Shep's Liquor sign located at 1003 North Main Street in Old Town. APN: 406-34-098. Owner/Applicant: Jim Ledbetter.

Director Gehlert advised the Commission that the agenda was amended to include this item and was posted at least 24-hours in advance, as required. There was no requirement

to advertise it. However, since the Commission apparently was not aware of it, they could choose to hear it or to continue it. Noting that the applicants were present, Chair Kiyler said the Commission would hear the presentation.

Director Gehlert talked about the renovation of the old motor court into professional offices for the Ledbetter Law Firm. He said the proposal was to renovate the old Shep's Liquor Sign. Gehlert projected photos of the old sign and graphics of the proposed sign and said the purpose was to preserve the historic character of Old Town. Staff was concerned with maintaining authenticity. Providing history of that type of signage, Gehlert said the following.

- It is called "Googie" sign art/architecture and was popular in the 1950s-1960s.
- The reference came from a popular diner in L.A.
- Tourists snapped pictures of the sign and you can find many pictures of it online.
- It features the characteristic and sometimes curious combination of simplicity and drama in the use of form, shapes, and colors.

Gehlert explained that Mr. Ledbetter had a proposal coming before City Council to share in the cost if he were to convert the sign into a welcome sign with a relatively small placard at the bottom saying "Ledbetter Law Offices".

Issues (summarized) that Gehlert highlighted were as follows.

- There were no laws or codes requiring any preservation of the sign.
- Authenticity – staff encouraged sticking as close as possible to the original form, shape, color, and lettering styles. Staff preferred a simplified design within the "oval" at the top, so it mimics the existing "Shep's" logo and classic style. Gehlert displayed a graphic showing this design, which said "Old Town" and omitted "Cottonwood".
- Code Conflicts – several characteristics conflict with code but seem to fit in Old Town and in keeping with the authenticity. Some of these conflicts were use of neon, sign height, and hours of lighting. He said that when the lighting code was written it was noted that Old Town needed to be treated differently. Additionally, neon was allowed by the former DRB at the Tavern across the street.
- Given its significance in Old Town, Staff referred the applicant's proposal to the Commission for review.
- Staff recommended approval subject to four stipulations.

Applicant Jim Ledbetter said there were two options shown. He preferred option one because they could reuse some of the letters and it would be truer to the existing sign. The font was developed in the early twenties. The sign was erected about 1933. The part proposed to say "Ledbetter Law Firm" would probably say only "Ledbetter Law" if the Commission approved. He said the renovated sign would use the same colors of neon as the original sign. Mr. Ledbetter was not satisfied with the cottonwood tree logo design and said they would work to make it as close to the City's logo as possible.

Commission members commented/questioned as follows.

- Smith – Can they make suggestions? He liked Option 1. It was wonderful to have the old sign redone.
- Lovett and Gonzales agreed.

- Gehlert – Staff’s recommendation was to encourage authenticity and simplicity.
- Gehlert – Staff’s idea of eliminating “Cottonwood” and keeping only “Old Town” was to make it less detailed (more simple) like the old Shep’s sign.
- Cox – Said he applauded the firm for the renovation and attempting to keep the sign, which was an icon. If the preference was to keep “COTTONWOOD” on the sign, he suggested placing little “balls” on top of the oval and spelling out “COTTONWOOD” there.

Mr. Ledbetter said marking and branding with Old Town Cottonwood was preferable but he would be ok with the staff recommendation.

Chair Kiyler called for the motion.

Motion: *To approve DR 09-011 with Option 1 as presented by the applicant, which would restore the sign to the original colors and similar font, subject to the following three (3) stipulations.*

- 1) *That the work occur in conformance to the submittal dated 3-10-09*
- 2) *That the block (channel) lettering not be internally illuminated. Neon overlay is approved.*
- 3) *That less detail be used on the oval, and that it read only, “Old Town”.*

Made by: *Gonzales*

Second: *Lovett*

Vote: *Unanimous approval.*

Following the motion, Raymond Cox suggested using automotive paint with a clear coat.

Answering Chair Kiyler’s question, Mr. Ledbetter said the sign would be completed within 30 days of the sign company’s receipt of the deposit. The sign would not be taken down. They would open the skin, put in the new mechanical portions, and paint it in place.

4. **ZO 09-010** Discussion of a possible amendment to the Cottonwood Zoning Ordinance deleting Section 303 “Plan Review” and replacing it with a new Section 303 “Zoning Clearance.

Director Gehlert presented the staff memo. He explained the background, requested action, staff analysis, applicability, activities that would require a zoning clearance, activities exempt from a zoning clearance, submittal requirements, and the staff recommendation.

Gehlert said the current Zoning Ordinance does not reflect the realities of today’s process and this proposal attempted to correct that. He explained how the Planning Department

and Building Department work hand in hand but the Building Department does not always understand all the issues and stipulations that result from various land use decisions. This would be a formal process where Planning and Zoning would sign off on the building permit. The County had this process for several decades.

Darold Smith asked if putting a swimming pool or deck in a backyard would require a zoning clearance. Gehlert said it might not require a building permit but would require a zoning clearance. He explained some of the code issues involved such as setbacks.

Motion: *To approve ZO 09-010 with staff recommendations.*
Made by: *Lovett*
Second: *Smith*
Vote: *Unanimous approval.*

DISCUSSION ITEMS

1. Possible future work sessions

Director Gehlert announced or talked about the following.

- Joint work session with Council May 14 regarding Land Use/Circulation elements of the General Plan and the Score Card.
- With added design review duties, there was the possibility of additional meetings.
- Staff plans to have training sessions on design review issues but that was not yet scheduled. Darold Smith suggested scheduling the sessions after he leaves the Commission to enable the new appointee to attend.

2. Departmental reports, such as Building Department and Code Enforcement reports.

Darold Smith asked about enforcement on Gila (David Karl) and group homes. Gehlert answered that on the Gila matter they were waiting for the new magistrate to come onboard. The group home code was on the Council agenda the next evening.

Informational Reports and Updates

Director Gehlert reported the following.

- April 28 at 10:00 a.m. at the Public Safety Building – a public meeting on the State Trust Lands annexation
- Shep's sign was on the next night's Council agenda for consideration of a co-op with Mr. Ledbetter on the cost.
- Candidates for the Planning and Zoning and Board of Adjustment positions were needed.
- The City Council directed staff to look at a Slopes and Hillside ordinance. That and the Landscape Code would be discussed at the May 18 Planning and Zoning Commission meeting.

- The birding event would start Thursday (April 23).
- A reorganization of the City departmental structure was pending. The proposal was to group approximately 12 departments into three: Development Services; Public Works; and Planning and Zoning. Code Enforcement would move to the Police Department. The intent was to slim down staff because of the budget crunch. Gehlert said one issue was file sharing between the Planning and Zoning staff and the Building Department staff since Building would move into the new Utilities building. He believed the idea was to digitize the files. Jake Gonzales commented that it would be costly to digitize.
- The zoning clearance process was something that was planned for several years to tie Planning and Zoning with the Building Department.
- The City purchased the old Foxworth Galbraith building to house the Utilities Department.

Adjournment

Chairperson Kiyler adjourned the meeting at 7:31 p.m.

Minutes prepared by: Carol Hulse

Date Approved: May 18, 2009